

REMARKS

In accordance with the foregoing, claims 1-5, 8, 10, 14, 15 and 18-20 have been amended, claims 9 and 11 have been canceled with out prejudice or disclaimer, and claims 1-8, 10 and 12-28 are pending and are under consideration. No new matter is presented in this Amendment.

Applicants note with appreciation the Examiners withdrawal of the previous restriction requirement. Applicants further note that on page two of the Office Action claims 8-13 are listed as being withdrawn, and claims 27 and 28 were not listed as pending or withdrawn. Correction of the deposition of these claims is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 4-7, 10, 11, 15, 20-23, 27 and 28 are rejected under 35 U.S.C. §112, first paragraph. The Examiner asserts that the specification, while being enabling for creating a first or second electrode tab that is cut more than half widthwise with respect to the first or second electrode current collector, does not reasonably provide enablement for when the first or second electrode tab is cut in half widthwise, with respect to the first or second electrode current collector. The Examiner further asserts than the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

Claims 4, 8, 10, 14, and 20 have been amended to more particularly point out the aspects of the present invention, and claim 11 has been canceled. The limitation reciting the cut of the electrode tab has been amended to more particularly point out the aspects of the invention, such that the presently amended claims are enabled by the specification. The amended limitation has been added to claims 1, 8 and 14 and deleted from claims 4, 10 and 15, as discussed below with reference to the anticipation rejections. The limitation has been amended in claim 20. Claims 5-7, 15, 21-23, 27 and 28 depend directly or indirectly from the amended claims and should be allowable for at least the same reasons. Reconsideration and withdrawal are respectfully requested.

Claims 4-7, 10, 11, 15, 20-23, 27 and 28 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which Applicants regard as the invention. In particular claims 4, 15, and 20 are rejected for reciting the limitation “the upper end”, claims 4, 15, and 20 are rejected for reciting the limitation “the electrode current collector”, and claims 5-7, 21-23, 27, and 28 are rejected for depending from rejected claims.

Claims 1, 8 and 14 have been amended to provide proper antecedent basis for the rejections relating to “the upper end” and “the electrode current collector” limitations in claims 4 and 15. Claim 20 has also been amended to provide proper antecedent basis for the rejected limitations. Claim 11 has been canceled. Applicants note that claim 15 does not recite “the electrode current collector” as a limitation, as claim 15 recites “the first electrode current collector. Claims 18 and 19 have been amended to depend from claim 17, to provide proper antecedent basis for the elements recited therein. Therefore this rejection is respectfully traversed. Claims 5-7, 10, 21-23, 27 and 28 depend from the amended claims and should also be allowable for at least the same reasons. Reconsideration and withdrawal are respectfully requested.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-4, 7-11, 13-20 and 23-26 are rejected under 35 U.S.C. §102(b) as being anticipated by Sugita et al. (U.S. Patent 6,432,578 B1).

Claims 1, 8, 14 and 20 have been amended to recite an electrode tab formed by folding a cut portion of a first or second electrode current collector (first electrode current collector in claim 14) toward an upper edge thereof, and the cut portion is defined by a cut that begins at a lower edge of the first or second electrode current collector and extends along more than half of a width thereof.

Sugita et al. teaches electrode tabs formed from an incised portion of an electrode body. See, FIG. 9. The incised portion is not defined by a cut that begins at a lower edge of the electrode body and extends along more than half of a width of the electrode body. In fact, the incised portion taught in Sugita et al. is disposed in the middle of the electrode body. Therefore, Sugita et al. does not teach or disclose the invention as recited in claims 1, 8, 14, and 20 and claims 1 and 14 should be allowable. This rejection is respectfully traversed. Reconsideration and withdrawal are respectfully requested.

With regard to claim 16, Sugita et al. fails to teach or disclose a first or second “tri-functional electrode”. Therefore, Sugita et al. does not teach or disclose the invention as recited

in claim 16, and claim 16 should be allowable. This rejection is respectfully traversed. Reconsideration and withdrawal are respectfully requested.

Claims 2-4, 7, 10, 13, 15, 17-20 and 23-26 depend from claims 1, 8, 14, and 16 should be allowable for at least the same reasons. This rejection is respectfully traversed. Reconsideration and withdrawal are respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 5, 6, 12, 21, 22, 27 and 28 are rejected under 35 U.S.C. §103(a), as being unpatentable over Sugita et al. (U.S. Patent 6,432,578 B1), in view of Narukawa et al (U.S. Patent 5,508,122).

Narukawa et al fails to remedy the deficits of Sugita et al., with regard to claims 1 and 8, in that Narukawa et al. fails to teach or disclose an electrode tab formed by folding a cut portion of a first or second electrode current collector toward an upper edge thereof, and the cut portion is at least partially defined by a cut that begins at a lower edge of the first or second electrode plate and extends along more than half of a width thereof. In addition, Narukawa fails to teach or disclose a first or second tri-functional electrode, as recited in claim 16. Therefore, the combination of Sugita et al. and Narukawa et al. does not teach or disclose the invention as recited in claim 1 or claim 16, and this rejection has been respectfully traversed.

Reconsideration and withdrawal are respectfully requested.

Claims 5, 6, 12, 21, 22, 27 and 28 depend from claims 1, 8 and 16 and should therefore, be allowable for at least the same reasons. This rejection is respectfully traversed.

Reconsideration and withdrawal are respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 8/02/08

By: M. T. Gill
Matthew T. Gill
Registration No. 48,490

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-951